

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

KENYATA RUSSELL, 63453-019

PETITIONER

VS.

CRIMINAL ACTION NO. 3:17cr120-DCB-LRA
CIVIL ACTION NO. 3:18cv368-DCB-LRA

UNITED STATES OF AMERICA

RESPONDENT

ORDER

This cause is before the Court sua sponte to address the signature omission on the Petitioner's Motion to Vacate under 28 U.S.C. § 2255. The Court therefore orders the Petitioner to submit a duplicate Motion to Vacate containing his signature within ten (10) days of this entry or the Motion to Vacate will be stricken from the record.

The Petitioner Kenyata Russell, filed an unsigned Motion to Vacate on June 6, 2018. (docket entry 14). Pursuant to Federal Rule of Civil Procedure Rule 11(a), "every pleading, written motion, and other paper must be signed...." "As plainly as Civil Rule 11(a) requires a signature on filed papers, so the rule goes on to provide that 'omission of the signature' may be 'corrected promptly after being called to the attention of the attorney or party.'" Becker v. Montgomery, 532 U.S. 757, 758 (2001). This Order will serve as notice to the Petitioner of his failure to sign the Motion to Vacate. The "[c]orrection can be made . . . by signing the paper on file or by submitting a duplicate that

contains the signature." Id at 764. The Petitioner must hand-write the signature, as a typed signature would not constitute a properly signed Motion to Vacate. Id.

Accordingly,

IT IS HEREBY ORDERED that the Petitioner has ten (10) days from the date of entry of this Order to file a signed duplicate Motion to Vacate. If the Petitioner fails to file the signed duplicate, the Court will strike his unsigned Motion.

SO ORDERED, this the 22nd day of June, 2018.

/s/ David Bramlette
UNITED STATES DISTRICT JUDGE